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To: Examiner David M. Shay From: Sanjay Bagade, Reg. No. 42,280

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U.S. Patent & Trademark Office

Fax: (703) 872-9306 Date: November 11, 2004

Phone: (703) 308-2215 Pages: 6 (including fax cover)

Re: **NOTICE OF APPEAL**

Comments:

U.S. Patent Application No.: 09/436,455

Filing Date: November 8, 1999

Title: DEVICES FOR MODIFICATION OF AIRWAYS BY TRANSFER OF ENERGY
Inventor(s): Christopher J. DANEK et al.

Group Art Unit: 3739

Examiner: D. Shay

Docket No.: A-008-000

Papers enclosed herewith:

1. Transmittal (1 page)
2. Fee Transmittal + duplicate for fee processing (2 pages)
3. Petition for Extension of Time, 3 months (1 page)
4. Notice of Appeal (1 page)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission


5

Filing Date	November 8, 1988
First Named Inventor	Christopher J. DANER
Art Unit	3738
Examiner Name	D. Blay
Attorney Docket Number	435712000621

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Apparatus, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Fax Cover Sheet
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Asfmetix, Inc. (Customer No. 41,728)	
Signature		
Printed name	Sanjay S. Bagade	
Date	November 11, 2004	Reg. No. 42,280

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature		Date	Nov 11, 2004
Typed or printed name	Sanjay S. Bagade	Date	Nov 11, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file the (and by the USPTO to process) an application. Confidentiality is governed by 38 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including information resources, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the

for FY 2005

Effective 10/01/2004, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 660.00

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FEE CALCULATION

1. BASIC FILING FEE	Fee Description	Fee Paid
Large Entity Small Entity		
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)
1001 790	2001 395	Utility filing fee
1002 350	2002 175	Design filing fee
1003 650	2003 275	Plant filing fee
1004 790	2004 395	Resubmission fee
1005 180	2005 80	Provisional filing fee
SUBTOTAL (1) (\$)		0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee Paid
Independent	-20% =	X
Multiple Dependent	-3% =	X
Large Entity Small Entity		
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 5
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Release independent claims over original patent
1205 18	2205 9	** Release claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		0.00

** number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES	Fee Description	Fee Paid
Large Entity Small Entity		
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)
1051 130	2051 60	Surcharge - late filing fee or oath cover sheet
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
1053 130	2053 60	Non-English application
1812 2,520	1812 2,520	For filing a request for ex parte reexamination
1804 820*	1804 820*	Requesting publication of SIR prior to Examiner action
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action
1261 110	2261 56	Extension for reply within first month
1262 430	2262 215	Extension for reply within second month
1263 890	2263 490	Extension for reply within third month
1264 1,430	2264 765	Extension for reply within fourth month
1265 2,080	2265 1,040	Extension for reply within fifth month
1401 340	2401 170	Notice of Appeal
1402 340	2402 170	Filing a brief in support of an appeal
1403 300	2403 150	Request for oral hearing
1451 1,510	1451 1,510	Petition to institute a public use proceeding
1462 110	2462 55	Petition to revive - unavoidable
1453 1,370	2463 685	Petition to revive - unintentional
1501 1,370	2501 685	Utility issue fee (or release)
1502 490	2502 245	Design issue fee
1603 680	2503 330	Plant issue fee
1480 130	1460 130	Petitions to the Commissioner
1807 80	1807 50	Provisional fee under 37 CFR 1.17(c)
1808 180	1808 180	Submission of Information Disclosure Sheet
8021 40	8021 40	Recording each patent assignment per property (times number of properties)
1809 790	2808 395	Filing a submission after final rejection (37 CFR 1.126(c))
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.128(b))
1801 780	2801 395	Request for Continued Examination (RCE)
1802 800	1802 800	Request for expedited examination of a design application
SUBTOTAL (3) (\$)		660.00

Other fee (specify):

Reduced by Basic Filing Fee Paid

SUBTOTAL (4) (\$) 660.00

Application number: November 8, 1999
 Filing Date: Christopher J. DANIEK
 First Named Inventor: D. Shay
 Examiner Name: 3739
 Art Unit: 435712000921
 Attorney Docket No.:

SUBMITTED BY: Stanley S. Bagade
 Name (Print/Type):
 Signature: 5/11/2004
 Registration No: 42,280
 Telephone: 650-810-1100
 Date: 11/11/2004

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